

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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PACIFIC INDEMNITY COMPANY,

Plaintiff,

-v-

21 **CIVIL** 4391 (LJL)

JUDGMENT

KITON CORPORATION,

Defendant.

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KITON CORPORATION,

Consolidated Plaintiff,

-v-

PACIFIC INDEMNITY COMPANY,

Consolidated Defendant.

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It is, **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum & Order dated June 24, 2022, the motion to dismiss is GRANTED. Because Plaintiff has identified no facts it could allege that would support coverage under the Policy, the dismissal is with prejudice. See, e.g., Plaza Athenee Hotel Co. Ltd. v. Continental Cas. Co., 2022 WL 902647, at *4 (S.D.N.Y. Mar. 27, 2022) (dismissing similar complaint with prejudice); accordingly, the case is closed.

Dated: New York, New York
June 24, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk